UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,410	02/03/2005	Shojiro Tanaka	50083-223	6300

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EXAMINER
CHAI, LONGBIT

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
07/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/523,410	TANAKA, SHOJIRO
	Examiner	Art Unit
	Longbit Chai	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03 February 2005*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *9-16* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *9-16* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *03 February 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☒ All b) ☐ Some * c) ☐ None of:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/3/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Priority

1.   Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is

acknowledged.

The application is filed on 2/3/2005 but is a 371 of PCT/JP04/01446 application

filed 2/12/2004 and has a foreign priority application filed on 2/12/2003.

Preliminary Amendment

2.   Examiner acknowledges Preliminary Amendment for the claims filed 2/3/2005.

Applicants have cancelled claims 1 – 8 and added new claims 9 – 16. The submitted

amendments have been entered and made of record.

Presently, pending claims are 9 – 16.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and
distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 13 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 13 and 15 are <u>indefinite</u> because the claim language "the first area for

embedding additional information <u>without altering the icon image</u>" is considered to be

unclear about what is the <u>exact level of sufficiency</u> to constitute the level of recognition

without altering the icon image because, Examiner notes, according to the specification,

"the term of <u>without altering the icon image</u> means to prevent the icon from undergoing

a <u>substantial</u> change in appearance after the additional information is embedded and a

continuous gradation of color is not considerably damaged; however, it is only

necessary to keep the icon image look <u>substantially same</u> in appearance (SPEC: Page

26 Line 6 – 16)". Any other claims not addressed are rejected by virtue of their

dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that

forms the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 9 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Mendori et al. (International Conference on Computer Education – ICCE' 2002).

As per claim 9 and 11, Mendori teaches a session initiating method (Mendori:

Abstract / Line 3 – 4 and Sect. 1, 2nd Para: user remote log-on to a network for starting

up authentications is considered as a user log-in session) that is applied to a computer

system equipped with a graphical user interface (Mendori: Figure 1), the session

initiating method comprising:

specifying an icon image corresponding to a user (Mendori: Abstract / Line 10 –

15: an icon image is used for elementary school student for start-up authentication

because the password is not easy for them to remember);

determining whether start information necessary for initiating a session that is

predetermined is embedded in the icon image (Mendori: Page 2, Sec. 2.2, Last

sentence);

extracting the start information from the icon image based on an algorithm that is

unique to the user when it is determined that the start information is embedded in the

icon image at the determining (Mendori: Page 1 Sec 2.2., 1st Para and Sect. 1, 2nd Para

: each icon image represents each individual user's account and password and each

icon image has 32 pixels square and each interval was half size the size of an icon

image, which is considered as part of the unique algorithm with respect to each different

user);

setting-up the session (Mendori: Abstract / Line 3 – 4 and Sect. 1, 2nd Para: a

user remote log-on to the network for starting up authentications);

inputting the start information extracted at the extracting during the session set

up at the setting-up (Mendori: Abstract / Line 10 – 15, Page 1 Sec 2.2., 1st Para and

Sect. 1, 3rd Para: the start information (i.e. user account and password) is extracted with

respect to the selected icon image);

verifying whether the start information input at the inputting satisfies a condition for initiating the session (Mendori: Page 2, Sec. 2.2, Last 2nd sentence); and

controlling the session based on a result of the verifying, wherein,

when it is verified that the start information satisfies the condition, the controlling includes initiating the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), and

when it is not verified that the start information satisfies the condition, the controlling includes aborting the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence).

As per claim 10 and 12, Mendori teaches the start information includes an identification and a password of the user (Mendori: Sect. 1, 2nd Para).

As per claim 13 and 15, Mendori teaches an icon-image creating apparatus that creates an icon image to initiate a session (Mendori: Sect. 1; 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), the icon-image creating apparatus comprising:

an image-information inputting unit that inputs icon image information corresponding to a user (Mendori: Abstract / Line 10 – 15: an icon image is used for elementary school student for start-up authentication because the password is not easy for them to remember);

a user-information inputting unit that inputs user information of the user (Mendori: Sect. 1, 3rd Para and Abstract / Line 10 – 15 & Figure 1 and Section 2: GUI <u>password</u> input interface using user icon image);

an area detecting unit that detects a first area based on a structure of the icon image information, the first area for embedding additional information without altering the icon image (Mendori: Page 2, Sec. 2.2, Last 2nd sentence: the area of the icon representing the registered <u>user login name</u> is interpreted as the first area of the icon image);

an area determining unit that determines a second area, based on an algorithm that is unique to the user, from among the first areas detected, the second area for embedding the user information (Mendori: Sect. 1, 2nd Para and Page 1 Sec 2.2., 1st Para: each icon image represents each individual user's account and password and each icon image has 32 pixels square and each interval was half size the size of an icon image, which is considered as part of the unique algorithm with respect to each different user – the second area of icon image is interpreted as the password area);

an information embedding unit that embeds the user information in the second area determined (Mendori: Page 1 Sec 2.2., 1st Para and Page 2, Sec. 2.2, Last 2nd sentence); and

an icon-image outputting unit that outputs the icon image with the user information embedded (Mendori: Page 2, Sec. 2.2, Last 2nd sentence, Sect. 1, 2nd Para and Page 1 Sec 2.2., 1st Para and Abstract / Line 3 – 4).

As per claim 14 and 16, Mendori teaches the user information includes an identification and a password of the user necessary for initiating the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication).
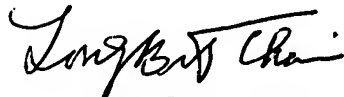
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Longbit Chai, Ph.D.
Patent Examiner
Art Unit 2131
6/18/2007